

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: OHIO EXECUTION
PROTOCOL LITIGATION : Case No. 2:11-cv-1016
: Chief Judge Edmund A. Sargus, Jr.
: Magistrate Judge Michael R. Merz
This document relates to:
Plaintiff Cleveland Jackson

**DEFENDANTS' RESPONSE TO CLEVELAND JACKSON'S MOTION
FOR IN-PERSON STATUS CONFERENCE [ECF NO. 2162]**

On February 20, 2019, Plaintiff Jackson filed a motion with this Court requesting an in-person status conference to take place on Friday, February 22 or Monday, February 25, 2019. Jackson states that an in-person conference is necessary to address significant issues and attached a proposed agenda of topics to his motion. [Jackson's Motion for Conference, ECF No. 2162; Jackson's Proposed Agenda, ECF No. 2162-1].

If this Court grants Plaintiff Jackson's motion for a status conference, Defendants request that it be scheduled for Tuesday, February 26, 2019 and take place via teleconference, per normal practice. Defendants do not agree that an in-person status conference is warranted at this time and submit that a telephone status conference is sufficient, particularly given the short notice. If it is deemed necessary at a later point, an additional in-person status conference could be scheduled in the future. But for the reasons that follow, Defendants do not believe that an in-person conference is presently warranted.

Defendants have reviewed Jackson's proposed agenda, and as to item #1, Defendants have no new information to disclose regarding Cleveland Jackson's May 29, 2019 execution date. Governor DeWine's statements this week were consistent with, and are not a change from, what he said last month when he announced a reprieve for Plaintiff Henness and directed DRC to assess current options for execution drugs and possible alternative drugs. Jackson has not received a reprieve, and unless and until he does it is important that the parties litigate under the assumption that the execution will go forward as planned. The Defendants have no timeframe for or details about any potential revision of the protocol to provide to the Court or Plaintiff at this time. The Defendants will continue to prepare for Plaintiff Jackson's May 29, 2019 execution date and will follow the Scheduling Order currently in place [ECF No. 2154].

As this Court is aware, item #2 was recently addressed by the Sixth Circuit. The motions in Item #3 are already before this Court, and subject to briefing. The Defendants are not aware of any additional matters requiring discussion at this time.

For all of the above reasons, if this Court grants Plaintiff Jackson's motion for a status conference, Defendants request that it be held via teleconference on Tuesday, February 26, 2019.

Respectfully submitted,

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s/ Charles L. Wille

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *Defendants' Response to Plaintiff Jackson's Motion for Status Conference* was filed electronically this 21st day of February, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Charles L. Wille

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